

27 April 200

To: All ITSP BPA-Holders ("Leads"), and BPA-"Teammates" (defined as those firms with GSA/FSS IT Schedules of their own too)

From: ESC/XPK (Steven C. Linchey)

Subject: ITSP BPA "Lead" Task Order Awards; BPA "Directed-Breakout Order" Awards to Teammates; and "Privity-of-Contract"

The purpose of this correspondence is to provide some clarification/ITSP policy with regard to the "subject" topic. In order to provide the most efficient, effective, and productive contracted support to your Government customer, ITSP BPA Teams need to respond to their taskings in a **"coordinated and consolidated"** manner (really **BE a TEAM**). It has come to my attention that in several instances recently, such may not be the case, and the Government may be encountering adverse effects because of it.

If we (ESC/XPK) had been able to "structure" the implementation of the ordering process exactly as we would have liked to (i.e. absence of certain "procedural rules" or regulations which have caused us to set up some things in a certain way), each successful (best value) BPA Team proposal selected for task order award would have been issued **SOLELY** to the BPA "Lead" submitting the proposal (i.e. the BPA-Holder). All work to be accomplished by "teammates/subcontractors" of the BPA Lead awardee would have been accomplished via "flowdown" from the "Lead" under its task order. Unfortunately, (from an administrative perspective), the "rules" for the "Services" attaining "% goals" of Small Business-Family (SBs; SDBs; S-WOBs) participation in the contractual support of the Government **requires** that **direct obligations** be made to the small business, which of course may only happen when the SB is an actual awardee.

So we determined that the only "practical" way to attain our goals under the "rules" as they currently exist is to "promote" the ability of BPA "Leads" to include in their "requirements solution" proposal in response to a User's RFQ, certain support subsets to be "directed" as a breakout (distinct) task order award to one or more of their BPA teammates (who have some "small" classification and who also have their own GSA/FSS IT schedule categories & rates on the BPA Team website). **This results in the user issuing multiple task orders, rather than "the single one" that they normally would prefer**, but we are held somewhat captive to the "bureaucracy" at this point in order to receive credit for promoting/achieving small business participation in support of Government requirements.

Now "technically", each distinct ITSP Task Order awardee establishes some form of "privity-of-contract" with the Government-user (through the Contracting Officer), as that firm works; incurs expenses; and is reimbursed by the Govt. for all such allowable & allocable expenditures incurred in support of the "mission" Statement of Work; and finally has their "company" performance evaluated (separately) by the Govt-user; all under the auspices of its own task order. **HOWEVER, the Government's intent all along** (as frequently stated by various Program Directors) is to have a **"one-face-to-the-user"** scenario in place. In other words, the **System Program Director (SPD) expects the ITSP BPA "Lead" to bear the overall responsibility for the performance of their support team, whether under just one task order or multiple T.O.s.** They expect to be able to interface with the ITSP Program Director of the BPA "Lead" (and the Government Contracting Officer to interface with his/her counterpart within that company) to address the overall support goals, accomplishments-to-date, changes in "mission-focus", etc., etc. And this requires that the BPA "Lead" secure stable & effective teaming arrangements with their Team member firms, to include language that clearly indicates that the "Lead" is responsible for the "overall" management and success of its Team, in support of the User, irrespective of whether the Government still individually evaluates each firm performing under its own distinct task order (such as the "directed breakout" group). What the Govt-user **DOESN'T NEED** is to have a teammate (with its own order as part of the BPA Team award) trying to schedule direct meetings with the SPD to "complain about", or "request relief from", something that they don't feel they should have to adhere to just because the BPA-Lead has so "ordered". The firms within the BPA Team makeup need to be

able to work their relationships out AMONG YOURSELVES, such that the Government-user doesn't find itself being tantamount to a "mediator" or third party trying to resolve the Team's differences. That's not a position the user should be in, nor will they consent to be in. And I'm sure that a BPA Team would not like to see the Govt fail to exercise an option that they might have for continued ITSP support because they could not get their "corporate/team act" together in response to user needs/requirements.

I hope the aforementioned further clarifies the perspective that I believe 99% of ITSP customers have as to how they expect their Support Contractor Team to interface with them, so as to further efficient, effective, and superior contracted support performance.

Questions with regard to the above may be addressed to the undersigned, or to my ITSP Contracts Manager, Capt Mark Restad, at (781-377-6980).

Regards,

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